

## Lewis, Josh

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**From:** Lehrman, Stephen (Pryor) [Stephen\_Lehrman@pryor.senate.gov]  
**Sent:** Saturday, March 16, 2013 10:37 AM  
**To:** Lewis, Josh; Bradley, Becca (Pryor)  
**Subject:** Re: Gina McCarthy call w/ Senator Pryor

Please call Becca at \_\_\_\_\_ or email.

**From:** Lewis, Josh [mailto:Lewis.Josh@epa.gov]  
**Sent:** Friday, March 15, 2013 02:31 PM Eastern Standard Time  
**To:** Lehrman, Stephen (Pryor)  
**Subject:** Gina McCarthy call w/ Senator Pryor

Hi Stephen,

Gina is interested in a quick call w/ Senator Pryor during the recess weeks (this wouldn't be in place of an in person meeting, which we'd hope to schedule at a later date). Is this possible? If so, can you please connect me w/ the right person in your office to find a time? Thanks.

Josh Lewis  
EPA/Office of Congressional and Intergovernmental Relations  
Desk: 202 564 2095  
Cel.

## Lewis, Josh

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**From:** Bradley, Becca (Pryor) [Becca\_Bradley@pryor.senate.gov]  
**Sent:** Thursday, May 09, 2013 3:51 PM  
**To:** Lewis, Josh  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

Josh, again I apologize for cancel on short notice today. Senator Pryor would definitely still like to do this meeting. Can we find a time the week of May 20<sup>th</sup>? I might suggest 3:30 PM on Tuesday the 21<sup>st</sup>. Let me know if that works on your end. Thanks.

Becca Bradley  
Scheduler  
US Senator Mark Pryor (AR)  
p:  
f: (202) 228-0908  
,

Dirksen Senate Office Building Room 255

**From:** Lewis, Josh [<mailto:Lewis.Josh@epa.gov>]  
**Sent:** Wednesday, May 01, 2013 9:20 AM  
**To:** Bradley, Becca (Pryor)  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

Let's plan on 3:30-4 pm on Thurs 5/9. Dirksen 255, right?

Josh Lewis  
EPA/Office of Congressional and Intergovernmental Relations  
Desk: 202 564 2095  
Cell

**From:** Bradley, Becca (Pryor) [[mailto:Becca\\_Bradley@pryor.senate.gov](mailto:Becca_Bradley@pryor.senate.gov)]  
**Sent:** Tuesday, April 30, 2013 5:29 PM  
**To:** Lewis, Josh  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

Josh, next week should work well. Thursday afternoon should be best, does anytime between 2:30 PM and 4PM on the 9<sup>th</sup> work on your end? Thank you and I look forward to hearing back.

Becca B

Note: Due to the unpredictable nature of the Senate schedule, Senator Pryor's attendance for all meetings is tentative based on his availability.

Becca Bradley  
Scheduler  
US Senator Mark Pryor (AR)  
p  
f: (202) 228-0908  
,

**From:** Lewis, Josh [<mailto:Lewis.Josh@epa.gov>]  
**Sent:** Tuesday, April 30, 2013 11:32 AM  
**To:** Bradley, Becca (Pryor)  
**Cc:** Lehrman, Stephen (Pryor)  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

Becca,

Wanted to circle back w/ you on this and see if we can find a time for Gina to come up next week or the week after to meet with the Senator? Or if it's easier to schedule a call we can go that route instead. Thanks.

Josh Lewis  
EPA/Office of Congressional and Intergovernmental Relations  
Desk: 202 564 2095  
Cell

**From:** Lehrman, Stephen (Pryor) [[mailto:Stephen\\_Lehrman@pryor.senate.gov](mailto:Stephen_Lehrman@pryor.senate.gov)]  
**Sent:** Wednesday, March 27, 2013 2:46 PM  
**To:** Lewis, Josh  
**Cc:** Bradley, Becca (Pryor)  
**Subject:** Telephone call with Senator Pryor

Let's try to schedule a telephone call for W-Th-F next week. Becca will contact you to setup a time.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

Connect with Senator Pryor:  
<http://www.pryor.senate.gov>



## Lewis, Josh

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**From:** Bradley, Becca (Pryor) [Becca\_Bradley@pryor.senate.gov]  
**Sent:** Monday, May 13, 2013 10:31 AM  
**To:** Lewis, Josh  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

Could 2:30 PM on the 23<sup>rd</sup> work? We could wrap up in 20-30 min.

Becca Bradley  
Scheduler  
US Senator Mark Pryor (AR)  
p:  
f: (202) 228-0908

Dirksen Senate Office Building Room 255

**From:** Lewis, Josh [mailto:Lewis.Josh@epa.gov]  
**Sent:** Monday, May 13, 2013 10:30 AM  
**To:** Bradley, Becca (Pryor)  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

Is Thursday the 23<sup>rd</sup> an option? Gina has a meeting from 3-4:30 that she can't move...otherwise she's flexible any other time that day. Wednesday the 22<sup>nd</sup> after 4:30 is also an option.

Josh Lewis  
EPA/Office of Congressional and Intergovernmental Relations  
Desk: 202 564 2095  
Cell:

**From:** Bradley, Becca (Pryor) [mailto:Becca\_Bradley@pryor.senate.gov]  
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**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

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Scheduler  
US Senator Mark Pryor (AR)  
p:  
f: (202) 228-0908

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**Sent:** Tuesday, April 30, 2013 11:32 AM  
**To:** Bradley, Becca (Pryor)  
**Cc:** Lehrman, Stephen (Pryor)  
**Subject:** RE: Gina McCarthy call or meeting with Senator Pryor

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Josh Lewis  
EPA/Office of Congressional and Intergovernmental Relations  
Desk: 202 564 2095  
Cell

**From:** Lehrman, Stephen (Pryor) [[mailto:Stephen\\_Lehrman@pryor.senate.gov](mailto:Stephen_Lehrman@pryor.senate.gov)]  
**Sent:** Wednesday, March 27, 2013 2:46 PM  
**To:** Lewis, Josh  
**Cc:** Bradley, Becca (Pryor)  
**Subject:** Telephone call with Senator Pryor

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Stephen Lehrman  
Office of Senator Mark Pryor



**RE: Pine Bluff, Arkansas STAG funding**

**Henry Cowles, Lauren (Pryor)** to: Henry Cowles, Lauren (Pryor),  
Christina Moody, Sven-Erik Kaiser, Patricia Haman

10/31/2011 02:46 PM

Cc: "Stewart, Lee", Josh Lewis

From: "Henry Cowles, Lauren (Pryor)" <Lauren\_Cowles@pryor.senate.gov>  
To: "Henry Cowles, Lauren (Pryor)" <Lauren\_Cowles@pryor.senate.gov>, Christina  
Moody/DC/USEPA/US@EPA, Sven-Erik Kaiser/DC/USEPA/US@EPA, Patricia  
Haman/DC/USEPA/US@EPA  
Cc: "Stewart, Lee" <Lee.Stewart@mail.house.gov>, Josh Lewis/DC/USEPA/US@EPA

I am following up again on the below request.  
Senator Pryor and Congressman Ross request a meeting  
for the afternoon of November 2nd between the City of  
Pine Bluff and the appropriate EPA staff to discuss  
an FY08 STAG grant.

I would like to schedule a meeting today, as the  
requested date is this Wednesday.

Lauren Henry Cowles  
Appropriations Legislative Assistant  
Senator Mark Pryor  
255 Dirksen Senate Office Building  
Washington, DC 20510

[www.pryor.senate.gov](http://www.pryor.senate.gov)

-----Original Message-----

From: Henry Cowles, Lauren (Pryor)  
Sent: Friday, October 28, 2011 4:40 PM  
To: Moody.Christina@epamail.epa.gov;  
Kaiser.Sven-Erik@epamail.epa.gov  
Cc: 'Stewart, Lee'; 'Lewis.Josh@epamail.epa.gov'  
Subject: RE: Pine Bluff, Arkansas STAG funding

Following up on the below request for a meeting with  
the City of Pine Bluff, Arkansas to discuss the  
potential rescission of an FY08 STAG grant.

Are there times in the afternoon on Wednesday,  
November 2nd that work to have a meeting?

Thank you,  
Lauren

Lauren Henry Cowles  
Appropriations Legislative Assistant  
Senator Mark Pryor  
255 Dirksen Senate Office Building  
Washington, DC 20510

www.pryor.senate.gov

-----Original Message-----

From: Henry Cowles, Lauren (Pryor)  
Sent: Thursday, October 27, 2011 1:27 PM  
To: 'Haman.Patricia@epamail.epa.gov'  
Cc: 'Stewart, Lee'; Moody.Christina@epamail.epa.gov;  
Kaiser.Sven-Erik@epamail.epa.gov;  
Lewis.Josh@epamail.epa.gov  
Subject: RE: Pine Bluff, Arkansas STAG funding

Ok, great. Thank you, Pat.

Christina and Sven-Erik, we look forward to hearing from you. Please let us know if you need additional information from us.

Lauren Henry Cowles  
Appropriations Legislative Assistant  
Senator Mark Pryor  
255 Dirksen Senate Office Building  
Washington, DC 20510

www.pryor.senate.gov

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Thursday, October 27, 2011 12:47 PM  
To: Henry Cowles, Lauren (Pryor)  
Cc: 'Stewart, Lee'; Moody.Christina@epamail.epa.gov;  
Kaiser.Sven-Erik@epamail.epa.gov;  
Lewis.Josh@epamail.epa.gov  
Subject: Re: Pine Bluff, Arkansas STAG funding

Hi Lauren: I generally work on air and climate issues so I am forwarding your email to Christina Moody, who heads up the Appropriations Team here in EPA's Congressional office and Sven-Erik Kaiser, who heads up our Water Team. I am sure they will make every effort to track this down and work with you and Congressman Ross's staff.

Pat

Patricia Haman  
Office of Congressional and Intergovernmental  
Relations  
202-564-2806

From: "Henry Cowles, Lauren (Pryor)"  
<Lauren\_Cowles@pryor.senate.gov>  
To: Patricia Haman/DC/USEPA/US@EPA  
Cc: "'Stewart, Lee'"  
<Lee.Stewart@mail.house.gov>  
Date: 10/27/2011 12:35 PM  
Subject: Pine Bluff, Arkansas STAG funding

Hi Patricia -

Senator Pryor and Congressman Ross have been contacted by the City of Pine Bluff, Arkansas, regarding an FY08 STAG grant for water and sewer infrastructure. I've cc'd Lee Stewart in Congressman Ross' office on this email.

It is our understanding that the EPA intends to rescind funding for this grant (\$477K) because the money has not yet been obligated. When the grant was awarded, the city believed that they had five years to obligate the funds. We understand that the EPA was tasked in the FY11 CR with finding \$140 million in rescissions. However, Senator Pryor and Congressman Ross believe that this particular rescission is unfair as it changes the rules in the middle of the process.

Our bosses have asked us to coordinate a meeting between the City of Pine Bluff, the EPA and appropriate Congressional staff. The City of Pine Bluff will be in town on Wednesday, November 2nd. Our office is happy to host the meeting in SD 255. Is there a time that afternoon when the appropriate EPA staff could discuss this issue with the delegation and the City of Pine Bluff?

Thank you,  
Lauren  
~

Lauren Henry Cowles  
Appropriations Legislative Assistant  
Senator Mark Pryor  
255 Dirksen Senate Office Building  
Washington, DC 20510

[www.pryor.senate.gov](http://www.pryor.senate.gov)





**RE: SO2 NAAQS**

**Josh Lewis** to: Lehrman, Stephen (Pryor)

08/03/2012 02:36 PM

From: Josh Lewis/DC/USEPA/US  
To: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

yes - here's a link to the pre-publication version of the Fed Register notice, and a fact sheet.

<http://www.epa.gov/so2designations/regs.html>

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" Thanks. Is this somewhere on the EP...

08/03/2012 02:24:27 PM

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 08/03/2012 02:24 PM  
Subject: RE: SO2 NAAQS

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Thanks. Is this somewhere on the EPA CAA or SO2 NAAQS websites? Please send me a link if possible.  
Stephen

**From:** Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]  
**Sent:** Friday, August 03, 2012 2:22 PM  
**To:** Lehrman, Stephen (Pryor)  
**Subject:** Re: SO2 NAAQS

Yes - we extended for up to one year the deadline for determining which areas meet the 2010 air quality standards for SO2. Final designations would be due by June 2013 for all areas. Though we intend to address designations in areas where monitoring data show violations of the standard sooner.

The extension was signed by the Administrator on July 27th. We didn't do a formal press release or other notification on it.

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" ---08/03/2012 01:51:45 PM---Has EPA recently made an announcement about delaying the SO2 NAAQS? Thanks. Stephen Lehrman

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 08/03/2012 01:51 PM  
Subject: SO2 NAAQS

Has EPA recently made an announcement about delaying the SO2 NAAQS? Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

Connect with Senator Pryor:  
<http://www.pryor.senate.gov>





**RE: EPA Proposes Updates and Deadline Extension for 2010 Cement Standards**

**Josh Lewis** to: Lehrman, Stephen (Pryor)

06/25/2012 03:55 PM

From: Josh Lewis/DC/USEPA/US

To: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

Yes, that's my understanding.

Note there's language in the preamble where we're also taking comment on a shorter extension. Here's the text...

The EPA also solicits comment on a shorter extension. The industry here is not starting from scratch. There should be ongoing planning to meet the standards promulgated in 2010 which could shorten the time needed to come into compliance with these proposed revised standards (should the EPA adopt them). Moreover, as explained below, we calculate that sources will need to design controls to meet virtually the same average performance for PM under the proposed standard of 0.07 lb/ton clinker (Method 5) as they would under the promulgated standard of 0.04 lb/ton clinker (30-day average). Again, this could dovetail with on-going compliance efforts and shorten the time needed to come into compliance with a revised standard. Consequently, the EPA solicits comment on a compliance extension until September 2014 (1 year from the current compliance date). This type of extension would recognize that additional time for compliance is needed, and accommodate cement kilns' operating cycle (leaving winter months for control equipment deployment), but recognize that the industry is not starting from scratch. Commenters should take into account that individual sources could still apply to permit writers for an additional extension of one year under section 112 (i)(3)(B) in instances where it is not possible to install control equipment within the specified period.

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" Josh - thanks for sending this info. Qu...

06/25/2012 02:48:59 PM

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA

Date: 06/25/2012 02:48 PM

Subject: RE: EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

Josh – thanks for sending this info. Question: Can a State still grant an additional year under CAA Section 112(i)(3)(B)?

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

Connect with Senator Pryor:

<http://www.pryor.senate.gov>



**From:** Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

**Sent:** Monday, June 25, 2012 1:26 PM

**Subject:** EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

See below for a news brief and fact sheet regarding the proposed reconsideration of our cement standards. The pre-publication version of the proposal is on the web at: <http://www.epa.gov/ttn/oarpg/ramain.html>

## EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

*Proposal would maintain significant air toxic reductions, while making cost-effective changes to provide greater flexibility for industry*

WASHINGTON — In response to a federal court ruling and data from industry, the U.S. Environmental Protection Agency (EPA) is proposing changes to its 2010 air standards for the Portland cement manufacturing industry. The proposal would continue the significant emission reductions from the 2010 standards while providing industry additional compliance flexibilities, including more time to implement the proposed updates by extending the compliance date for existing cement kilns from September 2013 to September 2015.

In December 2011, the U.S. Court of Appeals for the D.C. Circuit determined that EPA's standards were legally sound, but asked the agency to account for rules finalized after the cement standards were issued. The proposed updates to certain emissions limits, monitoring requirements and compliance timelines – which are expected to result in additional cost savings for industry - are being made in response to this court remand and petitions for reconsideration of EPA's 2010 final rule, which will dramatically cut emissions of mercury, particle pollution, and other air toxics from cement production.

Based on new technical information, EPA is proposing to adjust the way cement kilns continuously monitor for particle pollution and would set new particle pollution emissions limits and averaging times to account for these changes. The proposed rule would not apply to kilns that burn non-hazardous solid waste; those kilns would be covered by other standards. The proposed extended compliance date would allow industry to reassess their emission control strategies in light of the proposed changes to the PM limits and monitoring methods.

EPA will accept comment on the proposed changes for 30 days after the proposal is published in the Federal Register. The agency will hold a public hearing if requested to do so. EPA will finalize the rule by December 20, 2012.

*(See attached file: Cement.Proposal Fact Sheet.6.25.12 FINAL.pdf)*

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations



**Re: WSJ Editorial - Utility MACT**  
Josh Lewis to: Lehrman, Stephen (Pryor)

12/07/2011 12:31 PM

From: Josh Lewis/DC/USEPA/US  
To: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

It's not technically true on the benefits #s because it ignores the PM co-benefits. More generally on the editorial, although we didn't formally respond to the editorial I think we'd take exception w/ other parts of it. One being the NERC study referenced. Here's a letter our deputy sent to NERC prior to the report's release.



Final Signed and Dated Letter.pdf

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" Thanks. Is the editorial technically tru...

12/07/2011 12:23:13 PM

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 12/07/2011 12:23 PM  
Subject: Re: WSJ Editorial - Utility MACT

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Thanks. Is the editorial technically true or not?

----- Original Message -----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]  
Sent: Wednesday, December 07, 2011 12:21 PM  
To: Lehrman, Stephen (Pryor)  
Subject: Re: WSJ Editorial - Utility MACT

Looks like they pulled the \$6.1 million from the RIA for the proposed rule (see page 5-2 of the RIA...posted at:  
<http://www.epa.gov/ttn/ecas/regdata/RIAs/ToxicsRuleRIA.pdf>)

Though it's worth noting that our RIA for the proposal concluded that the overall benefits of the rule are much larger than the \$6.1 million due to the co-benefits of fine particle reductions. We estimate the health benefits associated with reduced exposure to fine particles are \$59 billion to \$140 billion in 2016 (2007\$).

Happy to talk more if necessary

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

From: "Lehrman, Stephen (Pryor)"  
<Stephen\_Lehrman@pryor.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA  
Date: 12/07/2011 08:22 AM  
Subject: WSJ Editorial - Utility MACT

Yesterday's WSJ editorial on Utility MACT stated "Keep in mind that the EPA estimates that the benefits to society from the mercury reductions in the utility rule max out at \$6.1 million total ...." What is the basis for this amount and is it accurate? Thanks.  
<http://online.wsj.com/article/SB10001424052970204262304577068643772900890.html>

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 25 2011

DEPUTY ADMINISTRATOR

Mr. Gerry W. Cauley  
President and Chief Executive Officer  
North American Electric Reliability Corporation  
1120 G Street, N.W.  
Suite 990  
Washington, D.C. 20005-3801

Dear Mr. Cauley:

I am writing to express our concerns about your upcoming report that, according to the North American Electric Reliability Corporation (NERC), addresses potential reliability impacts of several U.S. Environmental Protection Agency (EPA) rulemakings. You recently shared with us a nearly final version of that draft report and took the time to answer some of our questions. While we at the EPA are appreciative of the ongoing conversations and respect NERC's role, and we have yet to see the final report, I wanted to write to reiterate the concerns we raised with your staff on the draft report.

NERC issued a similar report in 2010 which the EPA and other outside groups – including the independent, non-partisan Congressional Research Service – noted did not accurately portray the EPA's regulations or the likely outcomes for the electric grid. Based on our recent conversations with you it appears that your 2011 report may contain many of the same faulty characterizations of our rules.

As you know, many of the rules in question are years or even decades overdue. They will also yield massive public health benefits – the recently finalized Cross State Air Pollution Rule alone, for example, will prevent 34,000 thousand premature deaths and 400,000 cases of aggravated asthma per year.

The EPA has conducted analyses of the potential reliability impacts of the Cross State rule and the Mercury and Air Toxics Standards, and will conduct similar analyses prior to finalizing any other rule that may impact the power sector. Our analyses indicate that these rules do not threaten capacity reserve margin targets either nationally or regionally. Other analyses like those by the Bipartisan Policy Center have similarly concluded that "scenarios in which electric system reliability is broadly affected are unlikely to occur." This confirms what we have experienced in the 40 years under the Clean Air Act – 40 years of instituting public health standards without once compromising power companies' ability to keep the lights on in communities across the United States.

While NERC speculated about two EPA rules (for mercury and air toxics and cooling water intake) for your 2010 report, those rules have now been proposed and are in the public sphere. It is of concern that your current analysis does not accurately reflect the contents of these proposed rules.

First, the draft report incorrectly assumes the mercury and air toxics rule will impose requirements significantly stricter than our actual proposal. It appears to assume that companies with uncontrolled coal units will uniformly adopt the most expensive controls possible to comply with the standards (FGD and fabric filters), rather than selecting the most cost-effective technology that works for their facility. Even so, the principal reliability issues the analysis purports to identify are not related to the EPA's air rules. Instead, most of the facility retirements are attributed to the 316(b) cooling water intake rule – a rule which has yet to be finalized. With regard to the 316(b) rule, your draft report largely repeats the flawed assumptions from your 2010 report by assuming the EPA's final 316(b) rule will be far more stringent and costly than the rule the EPA has actually proposed.

As the August report by the non-partisan Congressional Research Service noted, "The [2010] NERC analysis assumed that mandatory cooling tower retrofits would be required by 2018...", clarifying that in the EPA's actual 316(b) proposal we "declined to mandate closed-cycle cooling universally and instead favored a less costly, more flexible regulatory option." Your "stringent" case appears to continue to assume that the EPA's cooling water intake rule will lead to 100% of units installing closed cycle cooling despite the fact that the EPA rejected this option in its proposal. Even the so-called "moderate" case requires cooling towers on 75% of affected capacity – even though the EPA's rule specifically allows permitting authorities to consider cost, remaining useful life, and impacts on reliability in determining what technology to require. This "moderate" case assumes states would require cooling towers even if this would lead to plant retirements that cause reliability problems.

In addition, the draft report you shared with our staff appears to assume that all facilities must comply with the 316(b) rule's requirements by 2018. As described in our actual proposal, facilities have up to 8 years (to 2020) to comply with the first part of the standard (primarily by installing fish-friendly screens, not closed cycle cooling) and even longer for the second part of the standard that involves detailed consideration of cost and any potential effects on reliability.

Your draft report also assumes that no one takes any action to address potential reliability issues when, in reality, the industry, grid planners and regulatory authorities have a strong track record of successfully identifying and addressing shortfalls in electric generating capacity – through construction of new generation, upgrades to the transmission system, and demand-side measures. Your current analysis simply assumes that the federal and state governments would let facilities that are critical to grid reliability close and that no one would step in to pick up the shortfall -- an outcome that flies in the face of our 40 years of implementing the Clean Air Act and the Clean Water Act.



NERC's draft report describes an extreme outcome that arises from a scenario where the most stringent and costly rules imaginable took effect, and no one at the federal, state, or local level took any steps to ensure the continued reliability of the grid.

Fortunately, the EPA's analysis and several external analyses show that, where the EPA's actual rules are accurately characterized, there is no adverse impact on capacity reserves in any region of the country. If isolated, local reliability challenges were to emerge due to individual plant retirements, the Clean Air Act and Clean Water Act provide flexibility mechanisms to ensure that sources can be brought into compliance over time while maintaining reliability. We have reached out to NERC, RTOs, State regulators and other stakeholders and will continue to work with you and those entities to ensure the continued reliability of the electrical system.

I would reiterate that the EPA is appreciative of our ongoing dialogue, and I hope that we can continue to engage in substantive conversations in the future; however, given that your report is about to be released – and given my understanding of the report's current mischaracterizations of our rules – I find it necessary to write to you to underscore our deep concerns with this product.

I would be happy to discuss this or other issues of mutual concern and look forward to continued conversations.

Sincerely,

A handwritten signature in black ink that reads "Bob Perciasepe". The signature is written in a cursive, flowing style with a large initial "B".

Bob Perciasepe



**RE: Csapr questions**  
**Lehrman, Stephen (Pryor)** to: Josh Lewis

11/07/2011 07:59 AM

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA

A couple of other questions.

4. What years has Arkansas had to comply with CAIR?  
How has Arkansas complied with CAIR? What have they  
had to do?

5. Plum Point in Osceola AR is not on the  
UnitLevelAllocData. This is a relatively new  
merchant (LS Power) coal plant. Why is it not  
included?

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [  
mailto:Lewis.Josh@epamail.epa.gov]  
Sent: Monday, November 07, 2011 7:09 AM  
To: Lehrman, Stephen (Pryor)  
Subject: Re: Csapr questions

Sam Napolitano and I will call you at 8:30, if that  
works for you.

----- Original Message -----

From: "Lehrman, Stephen (Pryor)"  
[Stephen\_Lehrman@pryor.senate.gov]  
Sent: 11/06/2011 02:24 PM EST  
To: Josh Lewis  
Subject: Re: Csapr questions

Would like to talk to you early in the day. Anytime  
after 8 am. Call my direct 228 3063. Thanks.

----- Original Message -----

From: Lewis.Josh@epamail.epa.gov [  
mailto:Lewis.Josh@epamail.epa.gov]  
Sent: Sunday, November 06, 2011 02:10 PM  
To: Lehrman, Stephen (Pryor)  
Subject: Re: Csapr questions

Hi Stephen,

Probably would be easiest to get on the phone  
tomorrow to discuss these...is there a time block  
that works for you?

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental  
Relations  
phone: 202-564-2095  
fax: 202-501-1550

-----"Lehrman, Stephen (Pryor)"  
<Stephen\_Lehrman@pryor.senate.gov> wrote: -----  
To: Josh Lewis/DC/USEPA/US@EPA  
From: "Lehrman, Stephen (Pryor)"  
<Stephen\_Lehrman@pryor.senate.gov>  
Date: 11/06/2011 07:57AM  
Subject: Csapr questions

1. What are the rules for intrastate and interstate trading?
  2. What are the rules for borrowing allowances from future years?
  3. What is the compliance date for states like Arkansas that are ozone season only?
- Thanks. Stephen



**Re: CSAPR and Cement MACT**  
Josh Lewis to: Lehrman, Stephen (Pryor)

10/27/2011 12:44 PM

From: Josh Lewis/DC/USEPA/US  
To: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

For our call later today, on the CSAPR front....

We have facility level info as part of our IPM analysis. At the following site, towards the bottom you'll see a link for unit-level "parsed files": <http://www.epa.gov/airmarkt/progsregs/epa-ipm/transport.html>

Though a couple of important things to note: The information here reflects a unit-level breakdown of what our least-cost system projection yielded. It does not reflect how each unit may determine its own compliance pathway under CSAPR. Since CSAPR doesn't have any unit-specific or facility-specific emission reduction obligations, the affected sources will have to surrender enough allowances to cover total emissions during the control period, but the operator may acquire however many allowances they desire based on their preferred operational strategy, which will take into account the market cost of emitting each ton (as represented by the market allowance price for the given pollutant). Therefore, our modeling projections are informative insofar as they show how our modeling determined state-level emissions in connection with electric power sector operations at key cost thresholds on the covered pollutants, but we did not use the unit-level projections to determine any regulatory requirements under CSAPR.

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" Hi Josh -Do you have time Thursday o... 10/27/2011 08:27:46 AM

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 10/27/2011 08:27 AM  
Subject: CSAPR and Cement MACT

---

Hi Josh -Do you have time Thursday or Friday afternoon to talk about CSAPR and Cement MACT? With regard to CSAPR, I am trying to figure out how our utilities will be able to meet their compliance obligation for 6 operating coal EGUs in Arkansas. I have been told that EPA has modeled at the facility level how all of the covered EGUs can comply. I would like to get this model information. I have also been told that many EGUs have banked allowances and I want to find out if the Arkansas utilities have done this.

With respect to Cement MACT, we have 1 operating cement plant in Foreman AR by Ash Grove. I want to find out what Ash Grove will have to do to this plant to comply with Cement MACT. I talked to Dave Berick who told me that the Ash Grove Durkee OR plant installed state-of-the-art emission control systems before the Cement MACT rule became final but that the plant probably cannot meet the Cement MACT requirements. Dave said EPA is working with Ash Grove on an agreement whereby Ash Grove will reduce emissions at its other plants in order to compensate for Durkee.

Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant



CSAPR and Cement MACT

Lehrman, Stephen (Pryor)

to:

Josh Lewis

10/27/2011 08:27 AM

Hide Details

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA

History: This message has been replied to.

Hi Josh –Do you have time Thursday or Friday afternoon to talk about CSAPR and Cement MACT? With regard to CSAPR, I am trying to figure out how our utilities will be able to meet their compliance obligation for 6 operating coal EGUs in Arkansas. I have been told that EPA has modeled at the facility level how all of the covered EGUs can comply. I would like to get this model information. I have also been told that many EGUs have banked allowances and I want to find out if the Arkansas utilities have done this.

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Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant



{In Archive} RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Josh Lewis to: Lehrman, Stephen (Pryor)

10/06/2011 04:58 PM

From: Josh Lewis/DC/USEPA/US  
To: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
Archive: This message is being viewed in an archive.

Yes, that works. Probably only need about 5 mins of your time.

Josh

"Lehrman, Stephen (Pryor)" Hi Josh - I am out tomorrow but workin...

10/06/2011 04:40:13 PM

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 10/06/2011 04:40 PM  
Subject: RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

---

Hi Josh - I am out tomorrow but working some from home. I can call around 11:45 am if that works. Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]  
Sent: Thursday, October 06, 2011 4:25 PM  
To: Lehrman, Stephen (Pryor)  
Subject: RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

All of our folks on the Cross State rule have been tied up w/ the proposed amendment package that was released earlier today (you should have received an email earlier today from Pat Haman w/ more information on it). Now that the package is out I should be able to get them focussed on the request below. Are you around tomorrow for a brief call to discuss this? My schedule's pretty open so call whenever.

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

From: "Lehrman, Stephen (Pryor)"  
<Stephen\_Lehrman@pryor.senate.gov>  
To: Josh Lewis/DC/USEPA/US@EPA  
Date: 10/04/2011 10:48 AM  
Subject: RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant  
202-228-3063  
stephen\_lehrman@pryor.senate.gov

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]  
Sent: Tuesday, October 04, 2011 10:33 AM  
To: Ganesan.Arvin@epamail.epa.gov  
Cc: Haman.Patricia@epamail.epa.gov; Lehrman, Stephen (Pryor)  
Subject: Re: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

I'll start gathering the right folks...will be in touch to set something up.

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

From: Arvin Ganesan/DC/USEPA/US  
To: Stephen\_Lehrman@pryor.senate.gov  
Cc: Josh Lewis/DC/USEPA/US@EPA, Patricia Haman/DC/USEPA/US@EPA  
Date: 10/03/2011 09:11 PM  
Subject: Re: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Yes. That sounds great. I'm cc'ing Josh and Pat, who can help get the right people in the room. Thanks.

-----"Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
wrote: -----  
To: Arvin Ganesan/DC/USEPA/US@EPA  
From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
Date: 10/03/2011 05:13PM  
Subject: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Hi Arvin - thanks for the briefing this morning. I would like to schedule time to talk with you about these regulations. I met this afternoon with AEP/Swepco who operates the Flint Creek plant and is building Turk in Arkansas. I am trying to arrange a meeting with Entergy. I have calls in to the Arkansas Dept of Environmental Quality and I plan to talk with our Arkansas Public Service Commission.



I have reviewed the data on the spreadsheet  
<http://www.epa.gov/airtransport/pdfs/UnitLevelAllocData.xls>

How do I figure out what is Flint Creek's seasonal NOx compliance obligation? Assuming their compliance obligation exceeds their 1747 ton allocation, from where does EPA think they can buy allowances? What does EPA estimate will be the price to buy an allowance ton? What is the penalty if Flint Creek does not submit enough allowances to meet its compliance obligation.

AEP/Swepco also thinks that Turk will not have enough allocation to meet its seasonal NOx compliance obligation. I find this difficult to believe since Turk should be a state-of-the-art ultra-supercritical boiler. According to AEP/Swepco the Air Quality Control Systems included in the plant design consist of low nitrogen

oxides (NOx) burners with close-coupled over-fire air and selective catalytic reduction system for control of NOx; a spray dryer absorber flue gas desulfurization

(FGD) system and a pulse-jet fabric filter baghouse for sulfur dioxide and particulate control; and activated carbon injection to reduce mercury emissions. With all this emission control technology you would think they would have allowances to spare/sell.

Let me know when we can talk. Thanks.

Stephen Lehrman

Office of Senator Mark Pryor

Legislative Assistant

{In Archive} Re: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Arvin Ganesan

to:

Stephen\_Lehrman

10/03/2011 09:11 PM

Cc:

Josh Lewis, Patricia Haman

Hide Details

From: Arvin Ganesan/DC/USEPA/US

To: Stephen\_Lehrman@pryor.senate.gov

Cc: Josh Lewis/DC/USEPA/US@EPA, Patricia Haman/DC/USEPA/US@EPA

Archive: This message is being viewed in an archive.

Yes. That sounds great. I'm cc'ing Josh and Pat, who can help get the right people in the room.

Thanks.

-----"Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov> wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

Date: 10/03/2011 05:13PM

Subject: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

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oxides (NOx) burners with close-coupled over-fire air and selective catalytic reduction system for control of NOx; a spray dryer absorber flue gas desulfurization

(FGD) system and a pulse-jet fabric filter baghouse for sulfur dioxide and particulate control; and activated carbon injection to reduce mercury emissions. With all this emission control technology you would think they would have allowances to spare/sell.

Let me know when we can talk. Thanks.

Stephen Lehrman

Office of Senator Mark Pryor

Legislative Assistant



**{In Archive} RE: Gasoline Sulfur Standards**  
**Lehrman, Stephen (Pryor) to: Patricia Haman**

01/18/2012 09:39 AM

Archive:

This message is being viewed in an archive.

Hi Pat - thanks. Please come to Sd-255.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

-----Original Message-----

From: Patricia Haman [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Wednesday, January 18, 2012 9:39 AM  
To: Lehrman, Stephen (Pryor)  
Subject: RE: Gasoline Sulfur Standards

Good Morning Stephen: We are all set for tomorrow at  
1:30. There  
should be about 3 of us in person. We will need to  
tie the program  
manager in by phone. He will be in Ann Arbor.  
Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental  
Relations  
202-564-2806

From: "Lehrman, Stephen (Pryor)"  
<Stephen\_Lehrman@pryor.senate.gov>  
To: Patricia Haman/DC/USEPA/US@EPA  
Date: 01/13/2012 12:45 PM  
Subject: RE: Gasoline Sulfur Standards

Thursday at 1:30 pm in SD-255 works. Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

-----Original Message-----

From: Patricia Haman [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Friday, January 13, 2012 12:16 PM  
To: Lehrman, Stephen (Pryor)  
Subject: RE: Gasoline Sulfur Standards

Hi Stephen: I am missing a response from one key  
person but so far it

looks like next Thursday, 1/19, at 1:30 could work for us. If I can nail down this last guy, would that work for you? Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental  
Relations  
202-564-2806

From: "Lehrman, Stephen (Pryor)"  
<Stephen\_Lehrman@pryor.senate.gov>  
To: Patricia  
Haman/DC/USEPA/US@EPA  
Date: 01/11/2012 02:37 PM  
Subject: RE: Gasoline Sulfur  
Standards

Hi Pat - thanks for the email. I would like to meet with you before the end of recess to discuss RINs enforcement. Let me know if you have time next week to get together.

I will get back to you if I have more questions with respect to the gasoline sulfur standards. Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant  
^^^

-----Original Message-----

From: Patricia Haman [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Wednesday, January 11, 2012 10:17 AM  
To: Josh Lewis  
Cc: Arvin Ganesan; Lehrman, Stephen (Pryor)  
Subject: Re: Gasoline Sulfur Standards

Hi Stephen: I am glad you contacted us because I have been meaning to follow up with you about our conversation before the holidays about the RINs enforcement action. Would you like to sit down and walk through how the RINs work, etc.? We can't talk about the specifics of any ongoing enforcement action but we can talk about the issues in general and how we have addressed them since inception of the program. If so, please give me some blocks of time and I will get something set up.

With respect to lowering the sulfur content, what your constituent is referring to is the Tier 3 rules. EPA promulgated the Tier 2 sulfur standards in January of 2000 to enable the Tier 2 vehicle standards. We are hoping to propose new Tier 3 rules this winter. So it is premature for us to talk about the specifics of the proposal which are still being worked out. However, if you think it would be helpful, I can send you a few letters we have received from outside organizations which frame the issue fairly well. Just let me know if you want me to pull that together for you.

Pat  
Patricia Haman  
Office of Congressional and Intergovernmental  
Relations  
202-564-2806



{In Archive} FTC annual report on ethanol market concentration  
Lehrman, Stephen (Pryor)

to:

Patricia Haman

01/27/2012 10:14 AM

Cc:

"Holland, Sarah (Pryor)"

Hide Details

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Cc: "Holland, Sarah (Pryor)" <Sarah\_Holland@pryor.senate.gov>

History: This message has been replied to.

Archive: This message is being viewed in an archive.

Hi Pat – the FTC is asking if Senator Pryor cares whether the FTC stops producing the Report of Ethanol Concentrations required by the Energy Policy Act of 2005. The latest report is <http://www.ftc.gov/os/2011/12/111213ethanolreport.pdf>.

Under the GPRA Modernization Act (P.L. 111-352), the FTC has identified this statutorily mandated annual report as “outdated.” Is this annual report still of value to the EPA? Would EPA care if the report was eliminated? Thanks for the feedback.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant



{In Archive} RE: FTC annual report on ethanol market concentration

Lehrman, Stephen (Pryor)

to:

Patricia Haman

01/30/2012 12:27 PM

Cc:

"Holland, Sarah (Pryor)"

Hide Details

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Cc: "Holland, Sarah (Pryor)" <Sarah\_Holland@pryor.senate.gov>

History: This message has been replied to.

Archive: This message is being viewed in an archive.

4 Attachments



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Hello Pat – We would like to get back to the FTC in the next couple of days with a response. We would appreciate input from EPA on the usefulness of this study before we give FTC a yea or nay. Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant



**From:** Patricia Haman [<mailto:Haman.Patricia@epamail.epa.gov>]

**Sent:** Friday, January 27, 2012 10:18 AM

**To:** Lehrman, Stephen (Pryor)



**Subject:** Re: FTC annual report on ethanol market concentration

Thanks for asking. I will talk to the staff. Pat

---

**From:** "Lehrman, Stephen (Pryor)" [Stephen\_Lehrman@pryor.senate.gov]  
**Sent:** 01/27/2012 03:14 PM GMT  
**To:** Patricia Haman  
**Cc:** "Holland, Sarah (Pryor)" <Sarah\_Holland@pryor.senate.gov>  
**Subject:** FTC annual report on ethanol market concentration

Hi Pat – the FTC is asking if Senator Pryor cares whether the FTC stops producing the Report of Ethanol Concentrations required by the Energy Policy Act of 2005. The latest report is <http://www.ftc.gov/os/2011/12/111213ethanolreport.pdf>.

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Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant  
---



**{In Archive} RE: FTC annual report on ethanol market concentration**

**Lehrman, Stephen (Pryor)** to: Patricia Haman

01/30/2012 04:05 PM

Cc: "Holland, Sarah (Pryor)", Josh Lewis

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History: This message has been replied to.

Archive: This message is being viewed in an archive.

Hi Pat - thanks for the quick response. Very helpful. Stephen

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Monday, January 30, 2012 12:45 PM  
To: Lehrman, Stephen (Pryor)  
Cc: Holland, Sarah (Pryor); Lewis.Josh@epamail.epa.gov  
Subject: RE: FTC annual report on ethanol market concentration

Hi Steve: We have not heard back from all 4 of the staffers we queried but so far it looks like we would be fine if they want to stop producing this report. If I hear anything different by the end of the day, I will be back in touch. If you don't hear from me, then go ahead and assume that we are ok with the FTC taking this step.

Thank you very much for asking us though. We appreciate it. Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Lehrman, Stephen (Pryor)" <Stephen\_Lehrman@pryor.senate.gov>  
To: Patricia Haman/DC/USEPA/US@EPA  
Cc: "Holland, Sarah (Pryor)" <Sarah\_Holland@pryor.senate.gov>  
Date: 01/30/2012 12:27 PM  
Subject: RE: FTC annual report on ethanol market concentration

Hello Pat - We would like to get back to the FTC in the next couple of days with a response. We would appreciate input from EPA on the usefulness of this study before we give FTC a yea or nay. Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant

<http://www.pryor.senate.gov>

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Youtube\_24x24

From: Patricia Haman [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Friday, January 27, 2012 10:18 AM  
To: Lehrman, Stephen (Pryor)  
Subject: Re: FTC annual report on ethanol market  
concentration

Thanks for asking. I will talk to the staff. Pat

From: "Lehrman, Stephen (Pryor)"  
[Stephen\_Lehrman@pryor.senate.gov]  
Sent: 01/27/2012 03:14 PM GMT  
To: Patricia Haman  
Cc: "Holland, Sarah (Pryor)"  
<Sarah\_Holland@pryor.senate.gov>  
Subject: FTC annual report on ethanol market  
concentration

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<http://www.ftc.gov/os/2011/12/111213ethanolreport.pdf>

Under the GPRA Modernization Act (P.L. 111-352), the  
FTC has identified this statutorily mandated annual  
report as "outdated." Is this annual report still of  
value to the EPA? Would EPA care if the report was  
eliminated? Thanks for the feedback.

Stephen Lehrman  
Office of Senator Mark Pryor



RE: burning treated wood

Kilgore, Hank (Pryor)

to:

Patricia Haman

10/17/2012 04:03 PM

Hide Details

From: "Kilgore, Hank (Pryor)" <Hank\_Kilgore@pryor.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

4 Attachments



image001.png image002.png image003.png image004.png

This is great. Thanks so much for your help.

Hank Kilgore

Legislative Correspondent

Connect with Senator Pryor:

<http://www.pryor.senate.gov>



**From:** Haman.Patricia@epamail.epa.gov [<mailto:Haman.Patricia@epamail.epa.gov>]

**Sent:** Wednesday, October 17, 2012 3:51 PM

**To:** Kilgore, Hank (Pryor)

**Cc:** Lewis.Josh@epamail.epa.gov

**Subject:** burning treated wood

Hi Hank: Both of my colleagues were at their desks so I have the answer for you.

Although it is a bad idea due to the presence of arsenic, treated wood is not banned by the federal government, and there are no FIFRA or TSCA rules against burning it.

However, in general, states and municipalities have lead roles in regulating wood-burning activities. So perhaps he was referring to a state environmental regulation.

If your constituent would like to avoid burning it and he has trash pick-up, he he can throw out the wood on trash day. It's approved to go to the landfill.

Here are links to a recent CPSC brochure and to EPA's webpage which will provide him with more information.

CPSC brochure: <http://www.cpsc.gov/cpscpub/pubs/270.pdf>

EPA Webpage: [http://www.epa.gov/oppad001/reregistration/cca/cca\\_qa.htm](http://www.epa.gov/oppad001/reregistration/cca/cca_qa.htm)

Please let me know if you have any additional questions. Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

## Haman, Patricia

---

**From:** Stroud, Kelvin (Pryor) [Kelvin\_Stroud@pryor.senate.gov]  
**Sent:** Monday, March 04, 2013 3:53 PM  
**To:** Haman, Patricia  
**Subject:** cottonseed petition

Pat,

Good talking to you on the cottonseed petition.

Just wanted to get you the article I was talking about on cotton production.

Thanks,

Kelvin

### **Cotton shrinks in state (Front Pg.)**

With prices low, farmers growing other crops

By Jessica Seaman

ADG

LITTLE ROCK — Arkansas' cotton gins are looking at a grim future with an expected plunge in cotton acreage this year as farmers turn to more-profitable crops such as soybeans and corn.

Two of the three cotton gins in Phillips County are considering forgoing cotton processing this year, said Robert Goodson, a county extension agent with the University of Arkansas Division of Agriculture. One of the gins processed about 40,000 bales of cotton last year.

The ginners' decision to curb operations comes as cotton acreage in Phillips County is expected to drop from an average of 35,000 acres last year to 5,000 acres this year, Goodson said.

The decline in cotton acreage in Phillips County is following a state and national trend. **Cotton** acreage in Arkansas is expected to hit an all-time low this year.

The National **Cotton** Council of America estimates that Arkansas' cotton plantings will drop to an estimated 221,000 acres, down 62.9 percent from the 595,000 planted last year and far below the previous record low of 320,000 acres planted in 1983. **Cotton** fields totaled more than 2.7 million acres in 1947, according to records kept by the U.S. Department of Agriculture.

"The gins will especially suffer due to the lack of acres," Goodson said, which will reduce the amount of full- and part-time labor needed to grow and process the crop. The 43 cotton gins in the state separate cotton fibers from seeds. While cotton production in Arkansas has declined in recent years, production has increased elsewhere in the country. Arkansas produced an estimated 1.27 million 480-pound bales in 2012, down from 1.28 million in 2011. Overall U.S. production for 2012 is estimated at 17.4 million bales, compared with 15.6 million bales for 2011.

One company that uses cottonseed to make oil, Planters **Cotton** Oil Mill Inc. in Pine Bluff, is looking at possibly laying off some workers because its production will be hampered if ginners process less cotton, said John Fricke, president of the company.

"There is the possibility, when you have a reduction like this you could see layoffs," he said. "If we have a modified run time, we could see a need for not as many people."

Fricke said the plant employs 85 people.

"You will see that our seed stock supply, by virtue of acres being down 50 percent, should be down 50 percent as well," he said. "It's going to have a big impact on us and others. I just hope it's not a long-term effect."

Arkansas farmers are cutting back on cotton this year, because market prices dropped 30 percent to about 66 cents per pound in 2012. In 2011, the price of cotton was about 95 cents per pound, according to the U.S. Department of Agriculture's National Agricultural Statistics Service.

Nationwide, the average market price for cotton last year fell 21.8 percent to 73 cents per pound, which is expected to decrease cotton plantings this year by 26.8 percent to 9 million acres.

Also, China is putting pressure on U.S. cotton farmers by stocking reserves, according to the National Cotton Council. "They are just holding it so it's cotton that is not available to the market," said John Robinson, professor for the Department of Agriculture Economics at Texas A&M University. "So the price that we have now is artificially high, so people are wondering what will happen if the Chinese government releases that cotton."

He said that market distortion is creating uncertainty about future cotton prices.

"If they were to dump it, prices would plunge," Robinson said, adding that if that were to happen, there would be even less cotton grown in 2014 and 2015.

Arkansas' U.S. Rep. Rick Crawford, a Republican who serves on the House Agriculture Committee, said farmers in general need a long-term farm bill that would give them more certainty about federal support.

"The biggest threat facing cotton farmers and farm families across the country is the uncertainty that comes for short-term farm policy," he said in an e-mail.

The current farm bill, which was extended to Sept. 30 as part of a budget deal reached by federal lawmakers in January, governs food assistance to poor families and crop subsidies to farmers. The current bill was signed into law in 2008, and lawmakers have been unable to agree on a long-term renewal of it.

China's cotton inventory and other stores will help minimize the less-cotton grown immediate impact on consumers, said Kim Kitchings, vice president of corporate strategy for Cotton Inc.

"In this case right now we have some inventories and not a shortage of cotton," she said. "[The low-crop impact] depends on how long this shift away from acreage continues."

Farmers are shifting their focus from cotton to crops such as soybeans and corn, which have increased in price and cost less to grow.

In 2012, the market price of soybeans increased by 17 percent to \$14.40 a bushel, and corn rose 11 percent to \$6.95 bushel, according to the statistics service.

"Because of the market price received, they are just more attractive to grow versus cotton right now," said Tom Barber, associate professor and extension weed specialist for the University of Arkansas. "In a lot of places, it might also be cheaper to grow."

Goodson said more-profitable crops such as soybeans and corn will replace cotton in many fields in Phillips County. The county, which normally has about 225,000 acres of soybeans, is projected to have 230,000 acres this year. Corn is predicted to increase from 35,000 acres to 50,000 acres.

Cotton requires more machine labor than other crops do, which adds to the cost of growing and harvesting it. So while soybean and corn prices have become more profitable for farmers, cotton has become an expensive investment, said Randy Veach, president of the Arkansas Farm Bureau.

"Instead of making those investments now, they can actually move the other direction into a grain operation and not have to make that big investment and keep up with equipment needed for cotton," Veach said.

Veach, who has a 3,000-acre farm in Manila, said he will be planting corn, soybeans and some wheat in fields that used to grow cotton.

"We've probably cut back on cotton about 50 percent last year, and it will be about the same this year," he said.

Veach said that while he is cutting back on cotton, he doesn't think Mississippi County, where his farm is and where about a third of the state's cotton is grown, will see a decline in acreage this year compared with the rest of the state.

"What you are going to see is the decline in cotton acreage in the rest of the state is going to be real significant, but in my town there is going to be a lot of cotton grown," he said. "The reason the cotton is really entrenched in our county, in Mississippi County, is we have large gins. The land is really suited for cotton."

But, he said, other areas of the state might see their cotton gins close. They are expensive to rebuild, and that will make it difficult for the counties to get back into growing cotton in the future.

Butch Calhoun, Arkansas' secretary of agriculture, said he is concerned about the drop in Arkansas' cotton acreage, especially if it means that the state will lose some cotton-growing infrastructure. He said he has already heard of one gin that has shut down.

"Last year was the first year since the '40s that we had more corn than we did cotton," he said. "What we need is the price on cotton to rebound so we can replant the acres because we have some of the best cotton acres."

## Haman, Patricia

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**From:** Lehrman, Stephen (Pryor) [Stephen\_Lehrman@pryor.senate.gov]  
**Sent:** Thursday, April 04, 2013 4:40 PM  
**To:** Haman, Patricia  
**Subject:** EPA Tier 3 Rule

Hi Pat – the EPA Tier 3 rule is almost 1000 pages and has a lot of information on what some refineries will have to do to comply. What I am interested in is what does Lion Oil in El Dorado have to do to get to the 10 ppm sulphur limit? Please ask someone to provide me this info. Thanks.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant





## Haman, Patricia

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**From:** Lehrman, Stephen (Pryor) [Stephen\_Lehrman@pryor.senate.gov]  
**Sent:** Monday, April 08, 2013 1:59 PM  
**To:** Haman, Patricia  
**Subject:** RE: EPA Tier 3 Rule

Hi Pat – the Arkansas refinery is Lion Oil in El Dorado. I would like to know the following info:

1. Does Lion Oil have the sulphur handling technology to meet or come close to meeting the Tier 3 limit?
2. Does Lion Oil meet the small refiner criteria? Their website indicates yes.

Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant  
303.333.3333



**From:** Lehrman, Stephen (Pryor)  
**Sent:** Thursday, April 04, 2013 4:40 PM  
**To:** Patricia Haman  
**Subject:** EPA Tier 3 Rule

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Stephen Lehrman  
Office of Senator Mark Pryor  
Legislative Assistant



## Haman, Patricia

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**From:** Stroud, Kelvin (Pryor) [Kelvin\_Stroud@pryor.senate.gov]  
**Sent:** Tuesday, May 14, 2013 6:00 PM  
**To:** Haman, Patricia  
**Subject:** Cottonseed - EPA RFS petition

Patricia,

I wanted to check in on the petition submitted by the National Cottonseed Products Association seeking approval of cottonseed oil as an eligible feedstock for the Renewable Fuel Standard Program. Do you have any time this week to chat on this petition?

Thanks,

Kelvin

## Haman, Patricia

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**From:** Lewis, Josh  
**Sent:** Friday, May 17, 2013 10:22 AM  
**To:** Kelvin\_Stroud@pryor.senate.gov  
**Cc:** Haman, Patricia  
**Subject:** FW: Cottonseed - EPA RFS petition

Hi Kelvin,

Pat asked me to get back to you with the following update. Let us know if you have any further questions.

We received a petition to consider biodiesel produced from cottonseed oil as a new pathway under the RFS program. In order to evaluate this petition, we are required to perform a lifecycle GHG analysis for the pathway per EISA requirements. As we did not model biodiesel produced from cottonseed oil for the March 2010 RFS final rule, the lifecycle analysis entails new modeling and requires the Agency to go through a formal public notice and comment process. We have worked closely with stakeholders to develop modeling inputs and are currently performing our analysis. The next step in the process is to put out the preliminary results for comment. It is difficult to determine a timeline for issuing the notice at this point, but we will update you as we get further along in the process.

Josh Lewis  
EPA/Office of Congressional and Intergovernmental Relations  
Desk: 202 564 2095  
Cell.

**From:** Stroud, Kelvin (Pryor) [[mailto:Kelvin\\_Stroud@pryor.senate.gov](mailto:Kelvin_Stroud@pryor.senate.gov)]  
**Sent:** Tuesday, May 14, 2013 6:00 PM  
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**Subject:** Cottonseed - EPA RFS petition

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